

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

United States of America,

§

Plaintiff,

§

vs.

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Civil Action

(CDCS: 2019A09477/2019A09458/
2019A09426/2019A09482)Tapatia Taqueria, Inc.,
d/b/a Taqueria La Tapatia,

§

§

§

Defendant.

§

Complaint

1. *Jurisdiction.* The district court has jurisdiction because the United States is a party. *See* U.S. CONST., art III, § 2, and 28 U.S.C. § 1345.
2. *Venue.* The principal place of business of defendant is in Brazoria County, Texas, and it may be served with process by serving its owner, Alex Leon, at 801 S. Gordon Street, Alvin, Texas 77511.
3. *The Debt.* The debt owed to the United States arose for failure to pay employees back wages. The debt on the date of the Certificate of Indebtedness was:

(A) CDCS 2019A09477

A.	Current principal	\$	1,122.00
B.	Interest (capitalized and accrued)	\$	29.04
C.	Administrative fees, costs, penalties (Including \$400.00 Filing fee)	\$	1,049.60
D.	Balance due	\$	<u>2,200.64</u>

E. Prejudgment interest accrues at 1.00% per annum being \$0.03 per day.

(B) CDCS 2019A09458

A.	Current principal	\$	4,325.00
B.	Interest (capitalized and accrued)	\$	240.22
C.	Administrative fees, costs, penalties	\$	3,200.21
D.	Balance due	\$	<u>7,765.43</u>

E. Prejudgment interest accrues at 1.00% per annum being \$0.12 per day.

(C) CDCS 2019A09426

A.	Current principal	\$	31,963.10
B.	Interest (capitalized and accrued)	\$	1,324.06
C.	Administrative fees, costs, penalties	\$	22,848.93
D.	Balance due	\$	<u>56,136.09</u>

E. Prejudgment interest accrues at 1.00% per annum being \$0.88 per day.

(D) CDCS 2019A09482

A.	Current principal	\$	7,243.44
B.	Interest (capitalized and accrued)	\$	179.00
C.	Administrative fees, costs, penalties	\$	3,674.94
D.	Balance due	\$	<u>11,097.38</u>

E. Prejudgment interest accrues at 1.00% per annum being \$0.20 per day.

Total Due (CDCS 2019A09477, 2019A09458, 2019A09426, and

2019A09482) \$ 77,199.54

- F. The current principal in paragraph 3(A)A, 3(B)A, 3(C)A, and 3(D)A is after credits of \$0.00.
4. *Default.* The United States has demanded that the defendant pay the indebtedness, and the defendant has failed to pay it.
5. *Prayer.* The United States prays for judgment for:
- A. The sums in paragraph 3, pre-judgment interest, administrative costs, and post-judgment interest.
- B. Other relief the court deems proper.

Respectfully submitted,

CERSONSKY, ROSEN & GARCÍA, P.C.

By: /s/ M. H. Cersonsky
M. H. Cersonsky, TBN: 04048500
1770 St. James Place, Suite 150
Houston, Texas 77056
Telephone: (713) 600-8500
Fax: (713) 600-8585

Attorneys for Plaintiff

For Important Information About This Lawsuit Please See Next Page.

Federal Court Suit

- 1. You have been served in a lawsuit.**
- 2. If you dispute the debt in it, you must file a written response to the lawsuit with the court and the government's lawyer. If you do not, a default judgment will be taken against you.**
- 3. Your written response is due 21 days after the day you got the lawsuit papers.**
- 4. Mail your written response to:**

**Clerk
United States District Court
P.O. Box 61010
Houston, Texas 77208**

and send a copy to the lawyers for the United States at:

**M. H. Cersonsky
Cersonsky, Rosen & García, P.C.
1770 St. James Place, Suite 150
Houston, Texas 77056**

Be sure to put your case number and name on your response.

- 5. If you do not dispute the debt claimed in the lawsuit and want a payment plan, please contact Eddith Salazar at (713) 600-8500.**



U.S. DEPARTMENT OF THE TREASURY
BUREAU OF THE FISCAL SERVICE
WASHINGTON, DC 20227

ACTING ON BEHALF OF
U.S. DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
CERTIFICATE OF INDEBTEDNESS

Taqueria La Tapatia
801 S. Gordon Street
Alvin, TX 77511
EIN: 27-3631307

I hereby certify, as part of my duties with the U.S. Department of the Treasury (Treasury), including referring matters to the U.S. Department of Justice (DOJ) for litigation, I am a custodian of records of certain files sent by the U.S. Department of Labor, Wage and Hour Division (DOL) to Treasury for collection actions. As a custodian of records for Treasury, I have care and custody of records relating to the four (4) debts owed by Taqueria La Tapatia (DEBTOR) to DOL.

The information contained in this Certificate of Indebtedness is based on documents created by an employee or contractor of DOL based on his/her knowledge at or near the time the events were recorded, including the review of the delinquency of back wage payments, or by an employee or contractor of Treasury based on his/her knowledge at or near the time the events were recorded, including the review of the delinquency of back wage payments. Treasury's regular business practice is to receive, store and rely on the documents provided by DOL, when debts are referred to Treasury for collection activities, including litigation.

DOL referred the claim to Treasury's Bureau of the Fiscal Service, Debt Management Services (DMS) to collect the delinquent debts between April 2016 and March 2017. Further, I certify that I am familiar with Treasury's record keeping practices, including the receipt of files from DOL.

1700103057 – Case #1

Upon completion of an investigation covering the DEBTOR's operations, DOL issued monetary violations against the DEBTOR in the amount of \$1,122.00 with an annual interest rate of 1.00% and an annual penalty rate of 6.00% for failure to pay employees back wages. According to DOL historical records the debt became delinquent on September 5, 2016.

On November 8, 2018, DMS referred the claim to DOJ for litigation and collection in the amount due of \$1,800.64 with daily interest of \$0.03 and as of this date, the DEBTOR is indebted to the United States in the amounts stated as follows:

Principal:	\$ 1,122.00
Interest (@1.00%):	\$ 29.04
Penalty (@6.00%):	\$ 152.16
Admin Fees:	\$ 497.44
Total:	\$ 1,800.64





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1600174739 – Case #2

Upon completion of an investigation covering the DEBTOR's operations, DOL issued monetary violations against the DEBTOR in the amount of \$4,325.00 with an annual interest rate of 1.00% and an annual penalty rate of 6.00% for failure to pay employees back wages. According to DOL historical records the debt became delinquent on November 12, 2014.

On November 8, 2018, DMS referred the claim to DOJ for litigation and collection in the amount due of \$7,765.43 with daily interest of \$0.12 and as of this date, the DEBTOR is indebted to the United States in the amounts stated as follows:

Principal:	\$ 4,325.00
Interest (@1.00%):	\$ 240.22
Penalty (@6.00%):	\$ 1,101.20
Admin Fees:	\$ 2,099.01
Total:	\$ 7,765.43

1600145109 – Case #3

Upon completion of an investigation covering the DEBTOR's operations, DOL issued monetary violations against the DEBTOR in the amount of \$35,593.62 with an annual interest rate of 1.00% and an annual penalty rate of 6.00% for failure to pay employees back wages. According to DOL historical records the debt became delinquent on May 20, 2015.

On November 8, 2018, DMS referred the claim to DOJ for litigation and collection in the amount due of \$56,136.09 with daily interest of \$0.88 and as of this date, the DEBTOR is indebted to the United States in the amounts stated as follows:

Principal:	\$ 31,963.10
Interest (@1.00%):	\$ 1,324.06
Penalty (@6.00%):	\$ 7,944.36
Admin Fees:	\$ 14,904.57
Total:	\$ 56,136.09



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1700628562 – Case #4

Upon completion of an investigation covering the DEBTOR's operations, DOL issued monetary violations against the DEBTOR in the amount of \$7,243.44 with an annual interest rate of 1.00% and an annual penalty rate of 6.00% for failure to pay employees back wages. According to DOL historical records the debt became delinquent on January 19, 2017.

On November 8, 2018, DMS referred the claim to DOJ for litigation and collection in the amount due of \$11,097.38 with daily interest of \$0.20 and as of this date, the DEBTOR is indebted to the United States in the amounts stated as follows:

Principal:	\$ 7,243.44
Interest (@1.00%):	\$ 179.00
Penalty (@6.00%):	\$ 1,074.01
Admin Fees:	\$ 2,600.93
Total:	\$ 11,097.38

The balances stated in the case listed above are current as of November 8, 2018, including any applicable interest, penalties, administrative fees, and DMS & DOJ fees (pursuant to 31 U.S.C. 3717(e) and 3711(g)(6), (7); 31 C.F.R. 285.12(j) and 31 C.F.R. 901.1(f); and 28 U.S.C. 527, note).

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by DOL and information contained in Treasury's records.

11/15/2018

X *Natalie R. Stubbs*

Signed by: Natalie R. Stubbs
Natalie Stubbs
Financial Program Specialist
U.S. Department of the Treasury
Debt Management Services